

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF FEBRUARY 28, 2003

(Published March 8, 2003, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
February 28, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held February 14, 2003. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268583)

Brookfield Mediation: Status Report.

COORDINATOR (268584)

Focus Minneapolis Initiative: Status Report.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268585)

Lot Division & Land Sale: Division and sale of 2504 13th Avenue S.

West Bank Community Housing Corporation, Riverside Homes: Quit Claim Deed from MCDA to West Bank, mortgage amendment, Riverside Homes ground lease amendment, Declaration of easements, Covenants, Conditions and Restrictions, and execute documents.

COUNCIL MEMBER OSTROW & MAYOR (268586)

Minneapolis Public Housing Authority Board: Approve Mayoral appointments.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

ARTS COMMISSION, PLANNING DEPARTMENT & COORDINATOR (268587)

Gift of Public Art for the Minneapolis Convention Center: Approve preliminary acceptance of gift.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268588)

Deep Rock/Tiro: Modification #1 to Deep Rock Tax Increment Finance Plan and Hazardous Substance Subdistrict, Modification #13 to Seward South Urban Renewal Plan, and Modification #93 to the Common Plans.

COORDINATOR (268589)

Community Planning and Economic Development Organizational Structure: Approve proposed structure.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268590)

Public Health Advisory Committee: Approve appointments/reappointments for terms to expire December 31, 2003 -- Brigid Riley; Billani Killoren; Mary Hoopman; Doug Pryce; Curt Fernandez; Mike Harristhal; Kay Jones; Sara Mullet; John Williams.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268591)

Youth Risk Behavior Services: Accept up to \$204,097 in State and Federal funds from Minnesota Department of Health to provide funding to community agencies for prevention services and to Minneapolis Public Schools for a middle school curriculum on developing life skills; and Approve appropriation.

LICENSES AND CONSUMER SERVICES (268592)

Lead Safe Housing: Execute contract with Hennepin and Anoka Counties to accept funds for City to provide lead safe housing services; and Approve appropriation.

INTERGOVERNMENTAL RELATIONS:

COUNCIL MEMBER BENSON (268593)

I-35W Solutions Alliance: White Paper on traffic congestion in the Twin Cities metropolitan area. Central Corridor Transit Study.

Dividend Tax Proposal re Low Income Housing Tax Credits.

INTERGOVERNMENTAL RELATIONS (268594)

Fiscal Year 2004 Federal Legislative Agenda Updated. (See report of 1/31/03)

PUBLIC SAFETY AND REGULATORY SERVICES:

INSPECTIONS DEPARTMENT (268595)

New Housing Construction: Update on quality of housing construction in City.

LICENSES AND CONSUMER SERVICES (268596)

Unbank Company: Consider adverse action against application for currency exchange license to be located at 2627 E Lake St.

POLICE DEPARTMENT (268597)

Police Department 2003 Workplan.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (268598)

Property at 2717 Emerson Av S: Authorize owner to rehabilitate structure, subject to conditions.

LICENSES AND CONSUMER SERVICES (268599)

Escape (600 Hennepin Av): License Addendum Agreement prohibiting Adult Entertainment.

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (268600)

Whitney's Market (201 W Lake St): Revoke Grocery, Tobacco and Off-Sale Beer Licenses.

MINNESOTA STATE OFFICES, ADMINISTRATIVE HEARINGS (268601)

Las Americas: Official record relating to Motion for Rehearing filed by licensee.

REGULATORY SERVICES (268602)

Food Code: Ordinances amending Title 10, Chapters 186 and 188 relating to Food Code: In General and Administration and Licensing, and amending Appendix J relating to License Fees, increasing the Food Establishment Plan Review Fees for a new business and for a remodeled business; and having a certified person in charge in restaurants for maintaining food safety standards within 30 days, not 90 days.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (268603)

Police Services for Public Housing Authority: Execute contract with Public Housing Authority to provide services of one lieutenant, two sergeants and 10 patrol officers for police services to public housing communities.

Rich Stanek Mobility Agreement: Execute Mobility Agreement with Minnesota Department of Public Safety to place Rich Stanek on intergovernmental mobility assignment for 24-month period to serve at the pleasure of the Governor; and to allow Mr. Stanek to remain a regular City employee, continuing to accrue and retain benefits, seniority and compensation in accordance with City procedures, policies or labor agreements.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (268604)

Snow Emergency Event: Receive and file update.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (268605)

Central Phillips St Renovation, Special Imprvmt of Exist St No. 2985: Designation, cost est, list of benefited properties, apply 2003 uniform assmt rates and set public hrgs.

10th St S Reconstruction Proj, Special Imprvmt of Exist St No. 2982: Designation, cost est, list of benefited properties, apply 2003 uniform assmt rate and set public hrgs for abandonment and removal of areaways in conflict with street reconstruction proj.

Mpls Water Works Fridley Maint Facility: Auth to negotiate/execute an architectural & engineering design servs agrmt with Hagen, Christensen & McIlwain Architects.

Loring Park Neighborhood (West Side Imprvmt) Lighting Proj: Designation, cost est, list of benefited properties, apply street influence zone method and set public hrg.

University E Renovation Proj: Apprv Jan. 22, 2003 layout.

5th St SE Bikeway Proj - University E Renovation Proj: Approve Dec. 2002 layout.

Proposed 10 year Transit Study: Apprv discussion with Metro Transit and seek funding for study.

Mpls Response to Metro Transit Sector 5 Concept Plan: Auth staff to revise the draft & submit response.

Neighborhood Clean Sweep: Re-focus the program.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (268606)

Lowry Hill E Neighborhood Residential Lighting Proj: Amending resolutions, modify cost est, ordering work to proceed and adopting special assessments; preliminary approval to establish street lighting district and request the Board of Estimate and Taxation to issue and sell bonds. With comments from Jim Schmuck et al.

34 million gallon Hilltop Reservoir at New Brighton, MN: Auth 3rd amendment to contract with Veit and Company.

Minnesota Pollution Control Agency: Auth site access agreements for ambient air quality monitoring equip for the following; City of Lakes; Fire Station #2; and #20.

Hennepin County Agreements: Auth agreement with Hennepin County for installation of overhead traffic signal for Park and Portland Aves.

Hennepin County Agreement: Auth agreement with Hennepin County for installation of overhead traffic signal for Marshall St NE and 8th Av NE.

PUBLIC WORKS AND ENGINEERING (268607)

Recycling Grant Application: Auth submittal to S.C.O.R.E and execute contract with Hennepin County.

Lane Use Report: Auth an on-line Internet map on the City's web site of obstructions.

WAYS AND MEANS BUDGET:

CIVIL RIGHTS (268608)

New Central Library Project - Employment Goals: Update on current employment goals for the project and future overall goals for the City.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (268609)

Greater Minneapolis Convention and Visitors Association (GMCVA): Quarterly Performance Report, 4th Quarter of 2002.

COORDINATOR (268610)

Empowerment Zone (EZ) Loan for Siyeza, Inc.: Draft analysis business and work plan.

FINANCE DEPARTMENT (268611)

Travel Expense Report - 4th Quarter of 2002.

HUMAN RESOURCES (268612)

MetroPass Program and Other Optional Employee Benefits: Informational report on bus pass programs and recommendation to delay City participation and consider discontinuation of other optional employee benefits.

MAYOR (268613)

Budget: Targets for 2003 and 2004 budget planning based on Governor's proposed budget, and schedule for budget planning review.

WAYS AND MEANS BUDGET (See Rep):

CONVENTION CENTER (268614)

Convention Center Expansion Project - Construction Change Orders: Decrease contract with Merrimac Construction, and increase contracts with Impulse Group, Inc., Grazzini Brothers & Company and Kellington Construction, Inc.

COORDINATOR (268615)

Empowerment Zone (EZ) Funds for Heritage Park Project: Authorize funding of \$750,000 to be administered by the Minneapolis Community Development Agency for housing removal and soil replacement.

Empowerment Zone (EZ) Funds for Nicollet-Lake Predevelopment: Contract with DJR Architecture, Inc. to receive funding.

Empowerment Zone (EZ) Funds for Construction and Employment Training: Authorize funding for the Minneapolis Urban League, Summit Academy OIC and Goodwill Easter Seals to be administered by the Minneapolis Employment & Training Program.

New Central Library Project - Architectural Services: Increase contract with Architectural Alliance.

New Central Library Project - Construction Change Orders: Increase contracts with F. M. Frattellone Excavating and Grading, Inc., and C.F. Haglin & Sons, Inc.

FINANCE DEPARTMENT (268616)

Utility Billing Insert: Request of the Inspections Department for insert informing citizens about extended department business hours and their web site.

Financial Study of Electricity and Natural Gas Franchise Fee: Appropriation increase to pay for contract to study franchise fees.

New Capital Proces and Capital Long-Range Improvements Committee (CLIC) Guidelines: Approve new process and guidelines for use in evaluating request for the 2004-2008 capital program.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (268617)

Waiver:

Michael & Nancy Slattery (3755-59 Penn Ave N): Waiver from grocery store/auto convenience facilities in C1 & C2 districts.

Lowry Hill East Neighborhood (Interim Ordinance): Ordinance amending Title 21, adding a new Chapter 577, providing for moratorium on demolition of existing residential structures & establishment or expansion of multiple-family residential use on property within recognized boundaries of Lowry Hill East neighborhood.

Rezoning:

Ronie Grant (3329 Cedar Ave S).

Zoning Code Text Amendment:

Ordinance amending Chapter 535 re permitted obstructions in required yards.

PLANNING COMMISSION:

URBAN LAND LLC (268618)

Vacation: right of way found between University Ave SE and Fourth Street SE and between 13th Ave SE and 14th Ave SE. To erect a mixed-use building.

FILED:

CITY CLERK/SPECIAL PERMITS (268619)

Hennepin Ave between 28th St & 31st St (Uptown Association) special event/Metris Uptown Art Fair.

Merchant & Gould (268620)

APS Automated Pawn System trademark.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration division of a lot located at 2504 13th Avenue South, as set forth in Petn No 268585, and having conducted a public hearing thereon, now recommends passage and summary publication of the accompanying resolution approving the division, waiving the requirement of a subdivision plat and directing that a copy of said resolution be attached to the deeds conveying the subdivided parcels.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 2003R-049, approving the subdivision of a lot at 2504 13th Avenue South, was passed February 28, 2003 by the City Council and approved March 6, 2003 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-049

By Goodman

Approving the subdivision of a lot at 2504 13th Avenue South.

Whereas, the Minneapolis Community Development Agency (MCDA) has requested that a parcel of land located at 2504 13th Avenue South and legally described as:

Parcel 1:

The South ½ of Lot 1, Block 12, Gale's 1st Addition to Minneapolis;

Parcel 2:

The North ½ of Lot 2, Block 12, Gale's 1st Addition to Minneapolis;

be subdivided as follows:

Parcel A:

The South ½ of Lot 1, except the north 10 feet thereof, and the North ½ of Lot 2, Block 12, Gale's 1st Addition to Minneapolis;

Parcel B:

The North 10 feet of the South ½ of Lot 1, Block 12, Gale's 1st Addition to Minneapolis; and

Whereas, the MCDA intends to convey the subdivided parcels listed above to the owners of the adjacent properties with the following parcels:

Parcel A: 2508 13th Avenue South

The South ½ of Lot 2 and the North ½ of Lot 3, Block 12, Gale's 1st Addition to Minneapolis;

Parcel B: 2500 13th Avenue South

The North ½ of Lot 1, Block 12, Gale's 1st Addition to Minneapolis; and

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on February 7, 2003, a public hearing on said subdivision and proposed sale was duly held in a joint meeting of the Community Development Committee of the City Council and the Operating Committee of the MCDA at 1:30 p.m., February 18, 2003, in Room 319, Minneapolis City Hall, 350 South 5th Street in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the division of the above-described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Executive Director of the Minneapolis Community Development Agency (MCDA) to approve the following:

- 1) Consent to the quit claim deed from MCDA to West Bank Community Housing Corporation, which will convey MCDA's interest in the eight Transition Homes lots within the Randy Stoecker Addition;
- 2) Amend the City's Housing Development Action Grant mortgage by changing the legal description to conform to the replatted lot boundaries in the Randy Stoecker Addition;
- 3) Consent to an amendment of the Riverside Homes ground lease to change the legal description to conform to the replatted lot boundaries in the Randy Stoecker Addition;
- 4) Consent to the Declaration of Easements, Covenants, Conditions and Restrictions, which creates vehicular and pedestrian access, and parking and utility easements over the common areas in the Randy Stoecker Addition; and

5) Authorize the proper City officers to execute the required documents.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev - Your Committee recommends approval of the following process for selecting the four City Council appointments and/or reappointments to serve on the Minneapolis Public Housing Authority (MPHA) for three-year terms to expire December 31, 2005:

1) Commence the Open Appointments Process for the MPHA Board vacancies, requesting applications to serve on said board, with a deadline of March 31, 2003 for receipt of the applications;

2) Establish a committee of four, consisting of Council Members Johnson Lee and Zimmermann, the Minneapolis Community Development Agency (MCDA) Deputy Executive Director, and a representative from the MPHA to review applications and to make recommendations for City Council appointments and/or reappointments; and

3) That appropriate staff be directed to report back to the Community Development Committee for further discussion and final approval.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends concurrence with the recommendation of the Executive Director of the Minneapolis Community Development Agency (MCDA) to approve Modification No. 1 to the Deep Rock Tax Increment Finance (TIF) Plan and Hazardous Substance Sub-district, Modification No. 13 to the Seward South Urban Renewal Plan, and Modification No. 93 to the Common Development and Redevelopment Plan to authorize budget amendment(s) for project costs.

Your Committee further recommends passage of the accompanying Resolution adopting said modifications to reflect a budget modification to the TIF Plan.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 2003R-050, adopting Modification #1 to the Deep Rock Tax Increment Finance (TIF) Plan and Hazardous Substance Sub-district; Modification #13 to the Seward South Urban Renewal Plan; and Modification #93 to the Common Plans to reflect a budget modification to the TIF Plan, was passed February 28, 2003 by the City Council and approved March 6, 2003 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-050
By Goodman and Johnson

Adopting Modification No. 1 to the Deep Rock Tax Increment Finance (TIF) Plan and Hazardous Substance Sub-district; Modification No. 13 to the Seward South Urban Renewal Plan; and Modification No. 93 to the Common Plans, to reflect a budget modification to the TIF Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals.

1.1. That the Minneapolis Community Development Agency (the "Agency") is the Housing and Redevelopment Authority in and for the City of Minneapolis (the "City") with the authority to propose and implement redevelopment projects and tax increment financing districts, among other things, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, and 469.174 through 469.179 as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended; and Minnesota Code of Ordinances, Chapter 422.

1.2. That by Resolution No 89R-530 duly adopted December 15, 1989, and approved December 21, 1989, the City of Minneapolis has approved the creation by the Agency of the Common Development and Redevelopment Project (the "Common Project Area") and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plan (the Common Plans") relating thereto, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, 469.124 through 469.134, and 469.174 through 469.179 as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended, and Minneapolis Code of Ordinances, Chapter 422.

1.3. That by Resolution duly adopted on March 29, 1996, by Resolution No 1996R-083, the Minneapolis City Council approved the Deep Rock Tax Increment Finance (TIF) Plan and Hazardous Substance Subdistrict, Modification No 11 to the Seward South Urban Renewal Plan, and Modification No 41 to the Common Plans.

1.4. The Agency has prepared, and this City Council (the "Council") has examined the proposed Modification No 1 to the Deep Rock TIF and Hazardous Substance Subdistrict and related Modifications (the "Modifications") which Modifications authorize a budget amendment to the TIF Plan and Hazardous Substance Subdistrict to include additional tax increment revenue from the TIF district. The additional costs relate to activities identified in the Development Action Response Plan approved by the Minnesota Pollution Control Agency in August 1994, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and 469.174 through 469.179, as amended.

1.5. The Agency and the Council have performed all actions required by law to be performed prior to the adoption of the Modifications, including, but not limited to, a review of the proposed Modifications by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Modifications to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

Section 2. Findings for the Adoption of the Modifications.

2.1. The Council finds, determines and reaffirms the findings made in Resolution 1996R-083 on March 29, 1996.

2.2. The Council further finds, determines and declares that the Modifications conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Modifications were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.3. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Modifications.

Section 3. Approval of the Modifications.

3.1. Based upon the findings set forth in Section 2 hereof, the Modifications presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modifications.

4.1. The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Modifications, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, modifications, resolutions, documents and contracts necessary for this purpose.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration preliminary acceptance of a gift of public art from the Greater Minneapolis Convention and Visitors Association (GMCVA) for the Minneapolis Convention Center, including preliminary design approval of said public art, now recommends:

Comm Dev - that said gift of public art, including its preliminary design, be approved and accepted.

Your Committee further recommends that the proper City officers be authorized to execute an agreement with the GMCVA outlining terms and conditions required for acceptance of said art, with the understanding that the design must be consistent with the advertising and sign regulations of the City's Zoning Code; and further, that the overall condition of the artwork will be subject to periodic review by the Minneapolis Arts Commission following the initial display period of 10 years.

Your Committee further recommends passage and summary publication of the accompanying Resolution approving acceptance of a gift of public art from the GMCVA for the Minneapolis Convention Center.

W&M/Budget - that the matter be sent forward without recommendation.

Goodman moved to amend the report to approve the recommendation of the Community Development Committee and to delete the recommendation of the Ways & Means/Budget Committee. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 9; Nays, 3 as follows:

Yeas - Lilligren, Benson, Goodman, Lane, Samuels, Johnson, Schiff, Zerby, Ostrow.

Nays - Johnson Lee, Niziolek, Zimmermann.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 2003R-051, approving acceptance of a gift of public art from the Greater Minneapolis Convention and Visitors Association for the Minneapolis Convention Center, was passed February 28, 2003 by the City Council and approved March 6, 2003 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-051
By Goodman and Johnson

Approving acceptance of a gift of public art from the Greater Minneapolis Convention and Visitors Association (GMCVA) for the Minneapolis Convention Center.

Whereas, the Minneapolis Convention Center includes a 300-foot wall along 3rd Avenue South at 12th Street that is intended to provide a public art showcase; and

Whereas, the Greater Minneapolis Convention and Visitors Association (GMCVA) has proposed a work of public art by Anthony Whelihan for this showcase; and

Whereas, the GMCVA has secured an extremely generous sponsorship, which will cover all the direct costs of producing and maintaining the proposed artwork; and

Whereas, the GMCVA intends to give the proposed artwork to The City of Minneapolis as a gift; and

Whereas, in light of City budget concerns, the good faith effort by the GMCVA, the opportunity for future public art projects in the City, and recommendations by staff, the Minneapolis Arts Commission recommends approval of the preliminary design of the proposed gift; and

Whereas, Minnesota Statutes, Section 465.03, requires that acceptance of gifts by the City "be made by resolution of the governing body adopted by two-thirds majority of its members, expressing such terms in full";

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That preliminary acceptance of the gift of public art from the GMCVA for the Minneapolis Convention Center be approved.

Be It Further Resolved that preliminary design of the proposed artwork by Anthony Whelihan be approved.

Be It Further Resolved that the proper City officers be authorized to execute an agreement outlining the terms for acceptance of the proposed gift, in accordance with public art and City contract policies.

Be It Further Resolved that the Minneapolis Arts Commission periodically review the City's public art display (at a frequency to be negotiated), evaluate the condition of the artwork, and determine appropriate duration of the City's display.

Be it Further Resolved that upon completion of the artwork, the City Coordinator and appropriate Planning Department staff be directed to request final acceptance by the Minneapolis Arts Commission and the Minneapolis City Council, in accordance with the City's policy relating to "Final Acceptance of Artworks."

Adopted. Yeas, 9; Nays, 3 as follows:

Yeas - Lilligren, Benson, Goodman, Lane, Samuels, Johnson, Schiff, Zerby, Ostrow.

Nays - Johnson Lee, Niziolek, Zimmermann.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration Community Planning and Economic Development (CPED) organizational structure, now recommends the following:

a) That the Regulatory Services Department remain separate from CPED and report directly to the City Coordinator;

b) That the CPED Department report directly to the City Coordinator; and

c) That the Minneapolis Employment and Training Program (METP) be relocated from the Health Department to CPED and report directly to the Interim Director of CPED.

Schiff moved that the report be referred back to the Community Development and Ways & Means/Budget Committees and that the City Attorney's Office report back to those committees as to whether the CPED Department can report directly to the City Coordinator. Seconded.

Adopted upon a voice vote.

The **HEALTH & HUMAN SERVICES** Committee submitted the following report:

H&HS - Your Committee recommends concurrence with the recommendation of the City Council to appoint/reappoint the following persons to serve on the Public Health Advisory Committee for two-year terms to expire December 31, 2004:

Appointments

Brigid Riley, Hennepin County Community Health Department

Reappointments

Billani Killoren, Drugs & Alcohol
Mary Hoopman, Drugs & Alcohol
Doug Pryce, M.D., Hennepin Medical Society
Curt Fernandez, Member at Large - Environmental Health
Mike Harristhal, Minnesota Hospital Association
Kay Jones, Third District Nurses
Sara Mullet, Minneapolis Public Schools, Health Related Services
John Williams, D.D.S., Minneapolis District Dental Society
Adopted. Yeas, 12; Nays none.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept State and Federal Youth Risk Behavior funds up to the amount of \$204,097 from the Minnesota Department of Health to address youth risk behaviors around sexuality and pregnancy prevention programs for the period through December 31, 2003. Most of said funds will be contracted to community agencies for prevention services and the Minneapolis Public Schools for a middle school curriculum on developing life skills.

Your Committee further recommends passage of the accompanying Resolution appropriating \$204,097 to the Health & Family Support Agency to reflect receipt of said grant funds.

Adopted. Yeas, 12; Nays none.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2003R-052
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as following:

a. increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8621) by \$123,359 and increasing the Revenue Source (060-860-8621 - Source 3215) by \$123,359.

b. increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8621) by \$80,738 and increasing the Revenue Source (030-860-8621 - Source 3210) by \$80,738.

Adopted. Yeas, 12; Nays none.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

H&HS & W&M/Budget - Your Committee, having under consideration the provision of lead-safe housing services to families in Hennepin and Anoka Counties that are displaced due to lead hazards affecting children or by lead hazard reduction being conducted in their dwellings, now recommends the following:

H&HS - that the request to execute a contract with Hennepin and Anoka Counties be sent forward without recommendation.

W&M/Budget - that the proper City Officers be authorized to execute an Agreement with Hennepin and Anoka Counties whereby the City will receive approximately \$30,000 in exchange for providing lead-safe housing services, and that funds received from Hennepin and Anoka Counties shall be deposited into the Licenses & Consumer Services Agency, Grants Account (060-835-8392-3220-02). Further, passage of the accompanying Resolution appropriating \$30,000 to the Licenses & Consumer Services Agency to reflect receipt of said projected income.

Johnson Lee moved to amend the report to approve the Ways & Means/Budget Committee recommendation and to delete the Health & Human Services Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2003R-053
By Johnson Lee and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Agency in the Grants - Other Fund (060-835-8392) by \$30,000 and increasing the Revenue Source (060-835-8392 - Source 3220) by \$30,000.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Apple American Limited Partnership of Minnesota, dba Applebee's Neighborhood Grill & Bar, 601 1st Av N, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire April 1, 2004, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the application of Escape Entertainment Inc, dba Escape, 600 Hennepin Av #170, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire January 1, 2004, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

a. the licensee will not allow any activities to occur on the premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching and other similar types of activities, as more fully set forth in Petn No 268599 on file in the Office of the City Clerk.

b. final inspection and compliance with all provisions of applicable codes and ordinances.
Adopted. Yeas, 11; Nays none.
Declining to Vote - Benson.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

Off-Sale Liquor, to expire April 1, 2004

R H M Inc, dba Gopher Liquor Store, 335 Monroe St;
Skellys Liquor Store Inc, dba Skellys Liquor Store, 700 W Broadway;
John Wolf Enterprises Inc, dba Chicago Lake Liquor Store, 825 E Lake St;
Mickys Liquor Store Inc, dba Mickys Liquor Store, 1100 Plymouth Av;
M G M Wine & Spirits Inc, dba M G M Liquor Warehouse, 3254 W Lake St;
South Lyndale Liquors Inc, dba South Lyndale Liquor, 5300 Lyndale Av S;

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2004

Kabanuk Diversified Investments, dba Tropix Beach Club, 400 3rd Av N;

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2004

Classic Affairs Inc, dba Schieks Palace Royale, 115 S 4th St;
Mindwalk Enterprises Inc, dba Bobino Cafe, 222 E Hennepin Av;
Rooftop Inc, dba Marshall Fields 12th Floor, 700 Nicollet Mall (12th floor);
Brinda-Heilicher of Mpls Inc, dba Williams Uptown Pub & Peanut Bar, 2911 Hennepin Av;
Minikahda Club, dba Minikahda Club, 3205 Excelsior Blvd;

On-Sale Liquor Class A with Sunday Sales, to expire February 19, 2003

International Catering Inc, dba Atrium Cafe, 275 Market St (February 19, 2003, 5:00 p.m. to 9:00 p.m., Tubman Family Alliance);

On-Sale Liquor Class A with Sunday Sales, to expire February 22, 2003

International Catering Inc, dba Atrium Cafe, 275 Market St (February 22, 2003, 6:00 p.m. to 2:00 a.m., DIFFA);

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2004

Islewest Associates, dba Nicollet Island Inn, 95 Merriam St;
11th Street Restaurant Inc, dba Times Bar & Cafe/Jitters at the Times, 201 E Hennepin Av;
Fourth Street Saloon Inc, dba 4th Street Saloon, 328 W Broadway;
Minneapolis Club, dba Minneapolis Club, 729 2nd Av S;
Hexagon Bar Inc, dba Hexagon Bar, 2600 27th Av S (1st floor);
Lake & Hennepin BBQ and Blues Inc, dba Famous Dave's BBQ & Blues, 3001 Hennepin Av (#G-109);

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2004

It's Greek to Me Inc, dba It's Greek to Me, 626 W Lake St;

On-Sale Liquor Class C-2 with Sunday Sales, to expire April 1, 2004

Russel-Harris Enterprises, dba Annie's Parlor, 313 14th Av SE;

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2003

J P Samuelson LLC, dba J P An American Bistro, 2937 Lyndale Av S (new business);

On-Sale Liquor Class D with Sunday Sales, to expire April 1, 2004

Pacific Asian Restaurants Inc, dba Kikugawa, 43 Main St SE;

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2004

Harrison Restaurant Holdings Inc, dba Sawatdee Bar & Cafe, 118 4th St N;
Dan Kelly's Corporation, dba Dan Kelly's Bar & Grill, 212 S 7th St;
Rimarcik John V, dba Monte Carlo, 219 3rd Av N;
Brinda Investments Inc, dba Tugg's on the River, 219 Main St SE;
Lafayette Cafe LLC, dba Vincent, 1100 Nicollet Mall;
Oceanaire Restaurant Company Inc, dba Oceanaire Seafood Room, 1300 Nicollet Mall;

Manny's Steak House Inc, dba Manny's, 1300 Nicollet Mall (Hyatt Regency);
Market Bar-B-Que, dba Market Bar-B-Que, 1414 Nicollet Av;
Green Mill Enterprises Inc, dba Green Mill Too, 2626 Hennepin Av;
Win-Vee Inc, dba Country Bar & Grill, 3006 Lyndale Av S;

Temporary On-Sale Liquor

Sheridan Neighborhood Organization, dba Sheridan Neighborhood Organization, 909 Main St NE
(February 22, 2003, 8:00 p.m. to Midnight, at 79 13th Av NE; Licensed Facilitator: Dustys Inc);

On-Sale Wine Class A with Strong Beer, to expire April 1, 2004

Theatre De La Jeune Lune, dba Theatre De La Jeune, 105 1st St N;

On-Sale Wine Class D with Strong Beer, to expire April 1, 2004

Chatterbox Enterprises Inc, dba Chatterbox Pub, 2229 E 35th St;

On-Sale Wine Class E with Strong Beer, to expire April 1, 2004

Hells Kitchen Inc, dba Hells Kitchen, 89 S 10th St;

Rooftop Inc a Minnesota Corp, dba Marshall Fields 700 Express, 700 Nicollet Mall;

Rooftop Inc, dba Marshall Fields Marketplace, 1070 Nicollet Mall;

Yellow Lantern LLC, dba The Steak Knife, 1327 4th St SE;

SID Minneapolis LLC, dba Sidneys Restaurant, 2120 Hennepin Av;

Pierre's Bistro Inc, dba Pierre's Bistro, 2221 W 50th St;

Lorenzo & Giorgio Inc, dba Pane E Vino, 2451 Hennepin Av;

HJH Inc, dba Sawatdee Uptown, 2650 Hennepin Av;

Taqueria Don Blas Inc, dba Taco Blass, 3722 Chicago Av;

Taqueria Don Blass Inc, dba Taco Blass, 3764 Nicollet Av;

Minnehaha Falls Corporation, dba Pearson's Edina Restaurant, 3808 W 50th St;

Never Enough Thyme Inc, dba N E Thyme Cafe, 4257 Nicollet Av;

Karim Inc, dba Adrian's Tavern, 4812 Chicago Av;

First Course Inc, dba First Course, 5607 Chicago Av;

Food Services Inc, dba 5-8 Club, 5800 Cedar Av;

Off-Sale Beer, to expire April 1, 2003

Dessouki Mohsen, dba Thom Thumb, 3319 E 54th St (new proprietor);

Temporary On-Sale Beer

The Church of the Holy Cross, 1621 University Av NE (March 4, 2003, 4:00 p.m. to 9:00 p.m. for Sauerkraut Supper at Recreation Center);

Church of the Ascension, 1723 Bryant Av N (March 8, 2003, 5:00 p.m. to 10:00 p.m. for St. Patrick's Day Dinner and Celebration at Church).

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee recommends granting the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of February 28, 2003, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 268599):

Place of Amusement Class B-1; Bed & Breakfast Facility; Dry Cleaner - Nonflammable; Laundry; Confectionery; Grocery; Food Manufacturer; Milk & Grocery Delivery Vehicle; Restaurant; Short Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Lodging House with Boarding; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class A; Pawnbroker Class A; Peddler - Special Religious; Plumber; Recycling/Salvage Yard; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Tattooist/Body Piercer; Taxicab - Neighborhood Rideshare; Taxicab Vehicle; Taxicab Vehicle Nontransferable; Combined Trades; and Tree Servicing.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling-Lawful Class B

Lions Club of NE Minneapolis, dba Lions Club of NE Minneapolis, 714 18 1/2 Av NE (One-day Off-site Raffle, March 19, 2003 at Jax Cafe, 1928 University Av);

Church of St. Maron, dba Church of St. Maron, 600 University Av NE (Site: Nye's Polonaise Room, 112 E Hennepin Av);

Edison Booster Club Inc, dba Edison Booster Club Inc, 522 36 1/2 Av NE (Site: Shaw's Bar & Grill, 1528 University Av NE);

Gambling Lawful Exempt

Woman's Club of Minneapolis, dba Woman's Club of Minneapolis, 410 Oak Grove St (Raffle February 21, 2003);

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Av S (Raffle March 8, 2003);

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo March 14, 2003);

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo March 21, 2003);

Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av (Raffle March 23, 2003 at Historic State Theatre, 805 Hennepin Av);

Church of St. Austin, dba Church of St. Austin, 4050 Upton Av N (Raffle March 30, 2003);

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo April 4, 2003);

Holy Rosary Church, dba Holy Rosary Church, 2424 18th Av S (Raffle April 6, 2003);

Church of St. Albert the Great, dba Church of St. Albert the Great, 2836 33rd Av S (Bingo & Raffle April 11, 2003);

Rivers Council of Minnesota, dba Rivers Council of Minnesota, 100 2nd Av S, Sauk Rapids (Raffle April 27, 2003 at Midwest Mountaineering, 309 Cedar Av);

Make a Wish Foundation of Minnesota, dba Make a Wish Foundation of Minnesota, 5155 E River Rd #413 (Raffle May 12, 2003 at Eydie's Country Quilting, 2822 W 43rd St).

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, to whom was referred ordinances amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to *Food Code: In General* and Chapter 188 relating to *Administration and Licensing*, and amending Appendix J relating to *License Fees*, increasing the Food Establishment Plan Review fees for a new business and for a remodeled business, and having a certified person in charge in restaurants for maintaining food safety standards within 30 days, not 90 days, now recommends that said ordinances be given their second reading for amendment and passage with summary publication.

Zimmermann moved to amend the ordinance by adding the following language to Section 188.370:

"The applicable plan review fees are contained in Appendix J." Seconded.

Adopted upon a voice vote.

The report, with amended ordinance, was adopted.

Yeas, 12; Nays none.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

Ordinance 2003-Or-022 amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to *Food Code: In General*, amending Section 186.50 adds the following definitions--potentially hazardous food; process review; Risk one Food Establishment; Risk two Food Establishment; and Risk three Food Establishment. Said ordinance was passed February 28, 2003 by the City Council and approved March 6, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-022
By Zimmermann
Intro & 1st Reading: 1/31/2003
Ref to: PS&RS
2nd Reading: 2/28/2003

Amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances relating to Food Code: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 186.50 of the above-entitled ordinance be amended by adding and deleting definitions in alphabetical sequence to read as follows:

186.50. Definitions. All terms used in this title, unless expressly defined in this section, shall be interpreted as defined in the Minnesota Food Code, part 4626.0020, as they may be amended from time to time. The following terms shall have the following meanings:

~~*Boardinghouse* means an eating place where meals are furnished regularly to five (5) or more persons other than members of the family.~~

Potentially hazardous food means a food that is natural or synthetic and is in a form capable of supporting:

(1) The rapid and progressive growth of infectious or toxigenic microorganisms;

(2) The growth and toxic production of *Clostridium botulinum*; or

(3) In a raw shell eggs, the growth of *Salmonella enteritidis*.

Potentially hazardous food includes foods of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth.

Process review means evaluating the menu and processes to receive, store, prepare, cook, hold, cool, and serve food.

Risk one (1) Food Establishment means a facility that serves potentially hazardous foods that require extensive processing on the premises, including manual handling, cooling, reheating or holding for service; or prepares foods several hours or days before service; or conducts specialized processing operations, such as curing, smoking, and reduced oxygen packaging; or serves food items that epidemiological experience has demonstrated to be common vehicle of foodbourne illness. Examples include sit down full-service restaurants, and schools that prepare food on site.

Risk two (2) Food Establishment means a facility that serves potentially hazardous foods but with minimum holding time between preparation and service, and/or serves food such as pizza that require extensive handling following heat treatment. Examples include pizza sit-down or take out restaurants, and sub shops.

Risk three (3) Food Establishment is not a Risk 1 or 2. Examples include grocery items, donut shop, facility with limited food service.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Ordinance 2003-Or-023 amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to *Food Code: Administration and Licensing*, amends the following Sections:

a. Section 188.370, Submission, approval of plans - adds requirements for a new risk 1 or risk 2 licensee to complete a process review;

b. Section 188.560, Minneapolis food manager certification requirements - provides for a new licensee to show proof of certification before the facility is approved to open; and to have a certified person in charge in restaurants for maintaining food safety standards within 30 days, not 90 days;

c. Section 188.590, Pest control services - requires the services of a licensed pest control operator when a facility has evidence of rodent or insect activity.

Said ordinance was passed February 28, 2003 by the City Council and approved March 6, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-023

By Zimmermann

Intro & 1st Reading: 1/31/2003

Ref to: PS&RS

2nd Reading: 2/28/2003

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That section 188.370 of the above-entitled ordinance be amended to read as follows:

188.370. Submission, approval of plans. When a food establishment is altered or newly constructed, plans or suitable drawings and specifications shall be submitted to the manager of environmental health and such plans and specifications must be approved before such work is begun. Plans and specifications shall be in sufficient detail so that an accurate and complete appraisal can be made as to compliance with the provisions of this chapter. Failure to submit plans for approval may result in the closing down of operations until plans have been approved. ~~Limited or restricted food operations as determined by the manger of environmental health with less than one hundred (100) square feet of operating space will only pay only the new business surcharge fee.~~ New risk 1 licensees or risk 2 licensees shall be required to complete a process review. The plan review fee will be based on the square footage of the establishment as follows: The applicable plan review fees are contained in Appendix J.

0 to 1,000 square feet ...	\$100.00
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1,001 to 5,000 square feet ...	150.00
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5,001 and greater square feet ...	200.00
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Failure to pay the fee at the time of submitting the plans will result in a delay of the plan review approval process.

Section 2. That Section 188.560 of the above-entitled ordinance be amended to read as follows:

188.560. Minneapolis food manager certification requirements. All persons licensed to operate a food establishment under this chapter (except short term food establishments) shall at all times employ at least one full time person with supervisory responsibilities (which may be the licensee) who (1) spends a substantial amount of his/her work week at that food establishment, and (2) who has

a current Minneapolis Food Manager Certificate. A large establishment with more than one food preparation and service location under one license, shall have a certified manager for each location.

A new licensee shall provide proof of certification before the facility is approved to open.

The licensee shall notify the city when the certified person leaves or terminates employment with the food establishment. A food establishment that no longer employs a certified manager shall employ a certified manager within ~~ninety (90)~~ thirty (30) days.

All establishments (except short term food establishments and those exempted pursuant to rules adopted under the authority of the ordinance) shall maintain up-to-date written policies and guidelines on the premises. These policies and guidelines shall have been approved by the manager of environmental health and shall govern food handling and preparation, sanitation practices and techniques, personal hygiene including handwashing techniques, the prevention of food borne illness through proper receiving, storage, preparation, cooling and reheating of foods, and other related matters.

The manager of environmental health shall adopt rules to implement this ordinance. A copy of rules so adopted shall be forwarded to an appropriate committee for receipt and filing by the city council. The rules shall become effective thirty (30) days following receipt and filing unless disapproved by the city council or withdrawn by the manager.

Section 3. That Chapter 188 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 188.590 to read as follows:

188.590. Pest control services required. The services of a licensed pest control operator shall be required when a facility has evidence of rodent or insect activity to the extent that rodent droppings are visible, or live insects are seen during an inspection. The facility shall maintain records of the pest control operator's services on file for inspection.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Ordinance 2003-Or-024 amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees*, adding the fee schedules for Food Establishment Plan Review Fees, was passed February 28, 2003 by the City Council and approved March 6, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-024

By Zimmermann

Intro & 1st Reading: 1/31/2003

Ref to: PS&RS

2nd Reading: 2/28/2003

Amending Appendix J of the Minneapolis Code of Ordinances relating to License Fees.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Appendix J of the above-entitled ordinance be amended by adding the following fee schedules in alphabetical sequence to read as follows:

TABLE INSET:

Food Establishment Plan review fees—new business

Risk 1 establishment

<u>1000 sq ft or less</u>	<u>188.370</u>	<u>\$100</u>	<u>\$300</u>
<u>1001-3000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$400</u>
<u>3001-5000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$500</u>
<u>5001-7000 sq ft</u>	<u>188.370</u>	<u>\$200</u>	<u>\$600</u>

<u>Risk 2 establishments</u>			
<u>1000 sq ft or less</u>	<u>188.370</u>	<u>\$100</u>	<u>\$250</u>
<u>1001-3000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$350</u>
<u>3001-5000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$450</u>
<u>5001-7000 sq ft</u>	<u>188.370</u>	<u>\$200</u>	<u>\$550</u>
<u>Risk 3 establishments</u>			
<u>1000 sq ft or less</u>	<u>188.370</u>	<u>\$100</u>	<u>\$150</u>
<u>1001-3000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$250</u>
<u>3001-5000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$300</u>
<u>5001-7000 sq ft</u>	<u>188.370</u>	<u>\$200</u>	<u>\$400</u>
<u>Food Establishment Plan review fees—remodel</u>			
<u>Risk 1 establishment</u>			
<u>1000 sq ft or less</u>	<u>188.370</u>	<u>\$100</u>	<u>\$225</u>
<u>1001-3000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$300</u>
<u>3001-5000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$375</u>
<u>5001-7000 sq ft</u>	<u>188.370</u>	<u>\$200</u>	<u>\$450</u>
<u>Risk 2 establishments</u>			
<u>1000 sq ft or less</u>	<u>188.370</u>	<u>\$100</u>	<u>\$187</u>
<u>1001-3000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$262</u>
<u>3001-5000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$337</u>
<u>5001-7000 sq ft</u>	<u>188.370</u>	<u>\$200</u>	<u>\$412</u>
<u>Risk 3 establishments</u>			
<u>1000 sq ft or less</u>	<u>188.370</u>	<u>\$100</u>	<u>\$112</u>
<u>1001-3000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$187</u>
<u>3001-5000 sq ft</u>	<u>188.370</u>	<u>\$150</u>	<u>\$225</u>
<u>5001-7000 sq ft</u>	<u>188.370</u>	<u>\$200</u>	<u>\$300</u>

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration a motion submitted by Las Americas seeking a rehearing and reconsideration of the adverse action previously taken by the City Council on July 26, 2002, and having remanded the matter to the Office of Administrative Hearings (OAH) for further factual findings and recommendations, and having received a recommendation from Administrative Law Judge (ALJ) George Beck that the licensee's motion for rehearing be denied, now recommends the following:

- a. concurrence with the recommendation of the ALJ to deny the rehearing motion;
- b. that no further stay of sanctions be granted by the City Council, and that staff be directed to enforce the adverse action, based on the following reasons:
 - 1) the City Council's decision imposing adverse action was granted on August 3, 2002, and was stayed pending appeal.
 - 2) that the appeal of the City Council's action has been dismissed by the Court of Appeals, and the stay is no longer in effect.
 - 3) the appeal was dismissed by the Court of Appeals on November 12, 2002, and the licensee has had approximately three months to prepare for enforcement of the City Council's adverse action.
 - 4) that enforcement of the City Council's action has only been withheld by the Regulatory Services Department by informal consent, pending decision on the rehearing motion.
 - 5) that the rehearing motion was not brought until October 2, 2002, four months after the OAH's record closed.
 - 6) that the ALJ's recommendation on the rehearing motion indicates that the motion is without merit, and strongly refutes the licensee's arguments in favor of the motion.

7) that Regulatory Services staff request that the City Council decline any further stay of enforcement.

8) appealability of the City Council's decision on the motion for reconsideration is doubtful, at best.

9) enforcement of adverse actions should follow City Council decision as promptly as possible, and further delay would frustrate the City's interest in timely and effective enforcement of the Environmental Health Code through this licensing action.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the Grocery, Tobacco and Off-Sale Beer Licenses held by Rex Rogers, dba Whitney's Market, 201 W Lake St, and having held a hearing to consider whether adverse license action should be taken for violating Section 259.250 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Business License Management Responsibilities*, now recommends that said licenses be revoked. (Petn No 268600)

Adopted. Yeas, 11; Nays none.

Declining to Vote - Benson.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS - Your Committee, having under consideration the property located at 2717 Emerson Av S (PID #33-029-24-42-0076) which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the owners be authorized to rehabilitate the structure and all or any accessory buildings, subject to the following terms as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

a. the property owner is ordered to present a plan for rehabilitation to the Director of Inspections and schedule a Code Compliance inspection no later than March 31, 2003.

b. the property owner is ordered to pay the required \$2,000 Code Compliance deposit and pull all necessary permits no later than April 30, 2003 and complete rehabilitation no later than October 31, 2003.

c. if the owner fails to abide by this order, the Director of Inspections shall immediately notify the Committee, who may order immediate demolition or otherwise amend its order.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a contract with the Minneapolis Public Housing Authority, in an amount not to exceed \$1,044,765, to provide police services to public housing communities. Said contract shall be for the period January 1 through December 31, 2003 to provide the services of one lieutenant, two sergeants and ten patrol officers to be assigned to the Public Housing Authority. Funding has been allocated in

the Police Department's 2003 General Fund budget (010-400), with expenditures being reimbursed by the Public Housing Authority.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a Mobility Agreement with the Minnesota Department of Public Safety to place Rich Stanek on an intergovernmental mobility assignment effective February 3, 2003 for a 24-month period to serve at the pleasure of the Governor. Under said agreement, Mr. Stanek shall remain a regular employee of the City and continue to accrue and retain benefits, seniority and compensation in the City in accordance with any current and subsequently approved City administrative procedures and/or policies and labor agreements during the 24-month period of the Mobility Agreement for which Mr. Stanek would be eligible.

Adopted. Yeas, 10; Nays, 2 as follows:

Yeas - Lilligren, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Schiff, Zerby, Ostrow.

Nays - Johnson Lee, Zimmermann.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Central Phillips Street Renovation Project, Special Improvement of Existing Street No. 2985, now recommends passage and summary publication of the accompanying Resolution designating the locations and streets along with the improvements proposed as a part of said project.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 2003R-054, designating the location and improvements proposed as a part of the Central Phillips Street Renovation Project, was passed February 28, 2003 by the City Council and approved March 6, 2003 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-054

By Colvin Roy

**CENTRAL PHILLIPS STREET RENOVATION PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2985**

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within The City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by mill

and overlay of street surface with plant mix asphalt and selected curb and gutter and other paving related improvements as needed:

Central Phillips Street Renovation (2985)

21st St E from 14th Av S to Bloomington Av S;
22nd St E from 14th Av S to approximately 200 feet east of 17th Av S;
23rd St E from 15th Av S to Bloomington Av S;
24th St E from 5th Av S to Portland Av S;
25th St E from 5th Av S to 18th Av S;
25 ½ St E from Cedar Av S east to it's terminus;
5th Av S, Oakland Av, Columbus Av, 10th, 11th, 12th, 13th, and 14th Avs S from 24th St E to 26th St E;
Elliot Av from 24th St E to 25th St E;
15th Av S from 21st St E to 26th St E;
16th Av S from Franklin Av E to 26th St E;
17th Av S from 22nd St E to 26th St E; and
18th Av S from 24th St E to 26th St E.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee, having received a cost estimate of \$4,000,000 for street renovation improvements and a list of benefited properties for certain locations in the Central Phillips Street Renovation Project, Special Improvement of Existing Street No. 2985, as designated by Resolution 2003R-054 passed February 28, 2003, now recommends that the City Engineer be directed to prepare a proposed Street Renovation Special Improvement Assessment against the list of benefited properties by applying the 2003 Uniform Assessment Rates as per Resolution 2002R-422, passed November 8, 2002.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on April 8, 2003 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated renovation locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee, having under consideration the Tenth Street South Reconstruction Project, Special Improvement of Existing Street Number 2982, now recommends passage and summary publication of the accompanying Resolution designating the location and streets along with the improvements proposed as a part of said project.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Resolution 2003R-055, designating the location and improvements proposed as a part of the Tenth Street South Reconstruction Project, was passed February 28, 2003 by the City Council and approved March 6, 2003 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-055
By Colvin-Roy

**Tenth Street South Reconstruction Project,
Special Improvement of Existing Street Number 2982**

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within The City of Minneapolis are hereby designated to be improved, pursuant to the provision of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

Tenth St S (2982)

Tenth Street South from 3rd Avenue South to Park Avenue.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee, having received a cost estimate of \$1,590,000 for street reconstruction improvements and a list of benefited properties for the Tenth Street South Reconstruction Project, Special Improvement of Existing Street Number 2982, as designated by Resolution 2003R-055, passed February 28, 2003, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2003 Uniform Assessment Rates as per Resolution 2002R-422 passed November 8, 2002.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on April 8, 2003, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated project and to consider the amount of proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee, having under consideration the Minneapolis Water Works Fridley Maintenance Facility located at 4300 Marshall Street NE in Fridley, now recommends that the proper City officers be authorized to negotiate and execute an architectural and engineering design services agreement with Hagen, Christensen & McIlwain Architects for an amount not to exceed \$350,000.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee, having under consideration the Loring Park Neighborhood Street Lighting Project, now recommends passage and summary publication of the accompanying Resolution designating the location and streets proposed to be improved in said project and designated as Special Improvement of Existing Street No 2250.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2003R-056

By Colvin Roy

**Loring Park Neighborhood Street Lighting Project,
Special Improvement of Existing Street No 2250**

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within The City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by installing ornamental street lights together with all necessary appurtenances and work related thereto:

LaSalle Ave from Grant St to approximately 400 feet north of Grant St,
Grant Street from approximately the east ROW line of LaSalle Ave to approximately the west ROW line of 1st Ave S,
14th, 15th, and 16th Streets from approximately the east ROW line of Nicollet Ave to approximately the west ROW line of 1st Ave S.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee, having received a cost estimate of \$160,000 for street lighting improvements and the list of benefited properties for the Loring Park Area Street Lighting Project, Special Improvements of Existing Street No 2250, as designated by Resolution 2003R-056 passed February 28, 2003, now recommends that the City Engineer be directed to prepare a proposed Street Lighting Special Improvement Assessment in the amount of \$57,000 against the list of benefited properties by applying the street influence zone area method.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on April 8, 2003, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated street lighting project and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee reports that, in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to the establishment of street lighting districts (said Chapter 431 defining such street lighting district as an area wherein lighting in excess of minimum street lighting is provided and further providing that the City's costs over and above said minimum lighting shall be paid by the benefited property owners), the City Engineer has presented to your committee the details required by said Chapter 431 in connection with proposed Street Lighting District 1296 for assessment of the maintenance and operation costs on additional street lighting for the convenience and safety of the area delineated as Loring Park Neighborhood (streets to receive lighting are as designated in the Loring Park Neighborhood Street Lighting Project, Special Improvement of Existing Street No 2250).

A summary of the facts relative to this assessment is as follows:

Number of assessable parcels in said district	25
Total assessable frontage in feet	3,700
Annual cost per foot	\$0.55

Your Committee recommends that if there should be an increase in the cost of street lighting in the future that the increased cost be reflected in the assessment.

Your Committee further recommends that the City Clerk be directed to give notice of a Public hearing to be held by the Transportation and Public Works Committee on April 8, 2003, in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances, to be considered the establishment of said proposed Street Lighting District No 1250.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee, having under consideration the University East Renovation Project, now recommends the approval of the layout dated January 22, 2003 as set forth in Petn No 268605, for renovation of the project bounded on the west side by Interstate 35W, 15th Avenue Southeast on the east, University Avenue Southeast on the south and the railroad tracks north of 8th Street Southeast.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee, having under consideration the University East Renovation Project - 5th Street Bikeway Project, now recommends approval of the layout dated December 2002 as set forth in Petn No 268605, for reconstruction of the bikeway project in collaboration with the University East and West Renovation Project in the Marcy Holmes Neighborhood.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee, having under consideration the Proposed ten year transit study as outlined in the "Downtown Minneapolis Transit: The Next Ten Years", as more fully set forth in Petn No 268605 on file in the Office of the City Clerk, now recommends that the proper City officers be authorized to begin formal discussion with Metro Transit and other key stakeholders, and seek out funding to accomplish this proposed transit study.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW – Your Committee, having under consideration proposed changes to bus service in the Central-South Metro (Sector 5), as outlined in Metro Transit's Sector 5 Concept Plan, now recommends that appropriate staff of the Public Works Department be directed to revise the draft entitled, "Summary of Response to Sector 5 Proposal" and submit said response to Metro Transit for their review, as more fully set forth in Petn No 268605 on file in the Office of the City Clerk.

Your Committee further recommends that staff report back to the Transportation and Public Works Committee.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW - Your Committee, having under consideration the Neighborhood Clean Sweep Program, now recommends that the Division of Solid Waste & Recycling to re-focus the emphasis of neighborhood clean sweeps to support and encourage citizen and neighborhood participation in litter cleanups, beautification and other programs that will enhance neighborhood livability.

Johnson moved that the report be referred back to the Transportation and Public Works Committee. Seconded.

Adopted upon a voice vote.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends passage and summary publication of the accompanying Resolution, amending Resolution No. 2002R-447 entitled, "Designating the improvement of certain existing streets at the location described hereinafter", passed by Council action of November 22, 2002 to insert the language, "130 ft east of the" to paragraph 3 of the Resolution.

Your Committee further recommends that the previously submitted cost estimate of \$1,800,000 be revised to \$1,830,000 due to the additional lights on the eastern portion of the project area.

Benson moved that the report be postponed. Seconded.

Adopted upon a voice vote.

T&PW & W&M/Budget - Your Committee, having under consideration the Lowry Hill East Neighborhood Street Lighting Project, Special Improvement of Existing Street No 2249, now recommends passage and summary publication of the accompanying Resolutions:

a. Ordering the work to proceed and adopting the special assessments for the Lowry Hill East Neighborhood Street Lighting Project; and

b. Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$1,290,000 for certain purposes other than the purchase of public utilities.

Benson moved that the report be postponed. Seconded.

Adopted upon a voice vote.

T&PW & W&M/Budget - Your Committee reports that in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to street lighting districts, a public hearing was held on February 18, 2003 to consider the establishment of Street Lighting District No 1295 and to consider all written and oral objections and statements regarding this matter.

Your Committee now recommends that Street Lighting District No 1295 (streets to receive lighting are as designated in the Lowry Hill East Neighborhood Street Lighting Project, Special Improvement of Existing Street No 2249) as delineated in a report of the Transportation and Public Works Committee passed by the City Council on November 22, 2002 be and hereby is given preliminary approval.

Your Committee further recommends that Street Lighting District No 1295 not be considered final approval until at least two weeks from now in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances.

Benson moved that the report be postponed. Seconded.

Adopted upon a voice vote.

T&PW & W&M/Budget - Your Committee, having under consideration the New 34 million gallon Hilltop Reservoir, now recommends that the proper City officers be authorized to execute Amendment #3 to Contract No. 11931 with Veit and Company, Inc by \$444,189.17 for a fee not to exceed \$5,783,670.37 for the additional tasks and compensation for earth work and site improvements, with funding available under the new Hilltop Reservoir, Water Treatment Capital Improvement Fund (7400-950-9515).

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration site access agreements with Minnesota Pollution Control Agency, now recommends that the proper City officers be authorized to enter into agreements with the Minnesota Pollution Control Agency for organizing and operating ambient air quality monitoring equipment at the following locations:

City of Lakes Building, 309 2nd Avenue South;

Fire Station #2, 143 13th Avenue NE; and

Fire Station #20, 4646 Humboldt Avenue N.

Your Committee further recommends that the proceeds from the Site Agreements be directed to Fund/Agy/Org 6200-680-6824 (Revenue Code: 371501).

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Agreement PW 54-20-02 with Hennepin County in the amount of \$59,132.93 for installation of overhead traffic signal indications for Park Avenue at the intersections of Park Avenue South (CSAH 33) and East 38th Street, (MSA 249) Park Avenue South (CSAH 33) and East 42nd Street (MSA 251) and Park Avenue South (CSAH 33) and East 46th Street (CSAH 46) by city forces.

Your Committee further recommends that the proper City officers be authorized to execute Agreement PW 53-20-02 with Hennepin County in the amount of \$72,207.74 for installation of traffic signal interconnect on Portland Avenue (CSAH 35) between East 47th Street and Minnehaha Parkway by city forces.

Your Committee further recommends passage of the accompanying Resolutions transferring a total of \$111,000 to provide funding for said traffic signal projects.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2003R-057
By Colvin Roy and Johnson

Amending The 2002 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Decreasing the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$30,000 and decreasing the revenue source (4100-943-9440 - Source 3215) by \$30,000 of Municipal State Aid Funds; and

b) Increasing the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$43,000 and increasing the revenue source (4100-943-9440 - Source 3220) by \$43,000 to be reimbursed by County State Aid Funds.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2003R-058
By Colvin Roy and Johnson

Amending The 2002 Capital Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$38,000 and increasing the revenue source (4100-943-9440 Source - 3215) by \$38,000 to be reimbursed by Municipal State Aid Funds.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Agreement PW-55-20-02 with Hennepin County in the amount of \$35,920.35 for installation of overhead traffic signal indications for each direction at the intersection of Marshall Street NE (CSAH 23) and 8th Avenue NE (MSA 197) by city forces.

Your Committee further recommends passage of the accompanying Resolution amending the 2002 General appropriation by \$18,000 and increasing revenue sources by \$9,000 to be reimbursed by MSA Funds and \$9,000 to be reimbursed by County State Aid Funds.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2003R-059
By Colvin Roy and Johnson

Amending The 2002 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$18,000 and increasing the revenue source (4100-943-9440 - Source 3215) by \$9,000 to be reimbursed by MSA Funds and increase the revenue source (4100-943-9440 - Source 3220) by \$9,000 to be reimbursed by County State Aid Funds.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to submit a Recycling Grant Application and execute an agreement with Hennepin County requesting S.C.O.R.E. funds for the City's recycling program for the period of January 1, 2003 through December 31, 2003.

Adopted. Yeas, 12; Nays none.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee, having been informed of the status of the Lane Use Policy which has improved the travel times in and out of the downtown area considerably, now recommends approval of an on line internet map located on the City of Minneapolis web site of the Central Business District displaying the streets and sidewalks that are being obstructed.

Adopted. Yeas, 12; Nays none.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

T&PW & W&M/Budget - Your Committee, to whom was referred back a report regarding the appeal of Opus Corporation (on behalf of St. Thomas University) requesting reconsideration of the City's right of way in the public alley between Harmon and Hennepin Avenue and 11th and 12th Street, now recommends that said encroachment permit be granted as follows:

- a) Approve the encroachment permit for the sheet piling and temporary encroachment permit for the crane;
- b) Accept a settlement of \$20,000 from Opus Corp. in recognition of their error; and
- c) Authorize and direct the City Attorney and the City Engineer to execute documents necessary to effectuate the settlement.

Goodman moved a staff direction to prepare a schedule of civil and administrative penalties.

Adopted by unanimous consent.

The report was adopted.

Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee, having under consideration the Heritage Park project, Phase II, and having been informed that the Empowerment Zone (EZ) Committee has approved a grant of EZ funds in the amount of \$725,000 to be used to assist in clearing substandard housing units and removing and replacing soil, now recommends:

- a) Approval of \$725,000 in federal EZ funds for said project, to be administered by the Minneapolis Community Development Agency (MCDA);
- b) That the proper City officers be authorized to execute an agreement with the MCDA setting forth the terms and conditions of administering said funds for the project;

c) Passage of the accompanying resolutions providing for appropriation changes to transfer EZ funds from the City Coordinator to the Public Works Agency for project work.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2003R-060

By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by decreasing the appropriation for the City Coordinator Agency in the Federal Grants Fund (0300-840-8460) by \$725,000.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2003R-061

By Johnson

Amending The 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Capital Projects Agency in the Permanent Improvement Projects Fund (4100-970-9719) by \$725,000 and increasing the revenue source (4100-970-9719 - Source 3210) by \$725,000.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee recommends approval of the request of the Inspections Department to place an insert with the March 2003 City utility bills for the purpose of informing citizens about extended business hours for the Inspections Department on Mondays during the construction season and also providing information about the department's web site.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration the recommendation of the Finance Officer that the City hire a consultant to undertake a study of natural gas and electricity franchise fees paid to the City by CenterPoint Energy and Xcel Energy, now recommends passage of the accompanying resolution providing for an appropriation increase in the amount of \$18,000 to fund said study, to be paid for by fee revenues.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2003R-062
By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Finance Department Agency in the General Fund (0100-820-8270-5070) by \$18,000 and increasing the revenue source (0100-820-8270 - Source 3062) by \$18,000.
Adopted. Yeas, 12; Nays none.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee, having been informed that Finance Department staff has submitted a new City capital budget process and Capital Long-Range Improvements Committee (CLIC) Guidelines to be implemented for the upcoming capital budget process (as outlined in Petn No 268616), now recommends that the new process be approved and the CLIC 2003 Capital Guidelines be used in evaluating capital requests submitted for the 2004-2008 Five-Year Capital Improvement Program.

Adopted. Yeas, 12; Nays none.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute change orders to the following contracts for additional work required on the Convention Center Project, payable from the Convention Center Project Contingency:

- a) Change Order #8 to Contract #13946 with Merrimac Construction, decreasing said contract by \$48,694.25, for a new contract total of \$5,505,950.75;
- b) Change Order #11 to Contract #15186 with Impulse Group, Inc., increasing said contract by \$304,178, for a new contract total of \$9,681,770;
- c) Change Order #5 to Contract #15261 with Grazzini Brothers & Company, increasing said contract by \$36,047, for a new contract total of \$373,301;
- d) Change Order #22 to Contract #15156 with Kellington Construction, Inc., increasing said contract by \$147,744, for a new contract total of \$19,835,405.

Adopted. Yeas, 12; Nays none.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration the allocation of Empowerment Zone (EZ) funds for pre-development activities associated with the area of Nicollet Av and Lake St and having been informed that the group that will lead the work has changed, now recommends that the proper City officers be authorized to execute a contract with DJR Architecture, Inc. to provide \$150,000 in EZ funding for Nicollet-Lake predevelopment.

Johnson moved that the report be referred back to the Ways & Means/Budget Committee.
Seconded.

Adopted upon a voice vote.

W&M/Budget - Your Committee, to whom was referred back a report authorizing the allocation of Empowerment Zone (EZ) funds in the amount of \$100,000 to the Minneapolis Urban League Construction Training and Skill Building Program and having been informed that the EZ Executive Committee is now recommending that the funding be divided between three organizations, now recommends:

a) Approval of a total amount of \$100,000 in federal EZ funds for the Minneapolis Urban League, Summit Academy OIC and Goodwill Easter Seals Construction Training and Skill Building Programs, to be administered by the Minneapolis Employment and Training Program (METP);

b) That the proper City officers be authorized to execute an agreement with the METP setting forth the terms and conditions of administering said funds;

c) Passage of the accompanying resolution providing for appropriation amendments to reflect the transfer of \$100,000 from the City Coordinator Agency to the Health and Family Support Agency for said programs.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

RESOLUTION 2003R-063

By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Decreasing the appropriation for the City Coordinator Agency in the Federal Grants Fund (0300-840-8460) by \$100,000; and

b) Increasing the appropriation for the Health and Family Support Agency in Federal Grants Fund (0300-860-8600) by \$100,000.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee, having under consideration the New Central Library Project and having been informed that additional services are required under the current architectural agreement, now recommends concurrence with the recommendation of the Implementation Committee that the proper City officers be authorized to amend the City's contract with Architectural Alliance for architectural and engineering services by increasing compensation by an amount not to exceed \$802,000 for additional services and reimbursable expenses.

Adopted. Yeas, 11; Nays none.

Yeas - Lilligren, Johnson Lee, Benson, Goodman, Lane, Samuels, Johnson, Zimmermann, Schiff, Zerby, Ostrow.

Nays - Niziolek.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute change orders to the following contracts for additional work required on the New Central Library Project, payable from the project contingency:

a) Change Order #2 to Contract #018707 with F. M. Frattalone Excavating & Grading, Inc., increasing said contract by \$12,410.50, for a new contract total of \$1,385,385.50;

b) Change Order #4 to Contract #017994 with C.F. Haglin & Sons, Inc., increasing said contract by \$26,105.65, for a new contract total of \$1,054,351.65.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the application of Michael and Nancy Slattery for a waiver from Interim Ordinance 2002-Or-070, providing for a moratorium on the establishment, reestablishment, or expansion of grocery stores and automobile convenience facilities in the C1 and C2 zoning districts between Penn and Lyndale Aves N and 26th and 44th Aves N (passed 7/26/02), to permit applications for upgrade of the existing Gas Stop building and convenience store and addition of two more gas pumps at 3755-59 Penn Ave N, and having conducted a public hearing thereon, now recommends that said waiver be granted, and that the findings prepared by the Planning Department staff be adopted.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P - Your Committee, to whom was referred an ordinance amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 577 relating to Interim Ordinances: Providing for a moratorium on the establishment or expansion of any multiple family residential use within the recognized boundaries of the Lowry Hill East neighborhood (bounded by Lyndale Ave, Hennepin Ave and Lake St), except where property has frontage on Hennepin Ave, Franklin Ave, Lagoon Ave, Lyndale Ave or Lake St, and having held a public hearing thereon, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described ordinance.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Ordinance 2003-Or-025 amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances, adding a new Chapter 577, providing for a moratorium on the establishment or expansion of any multiple family residential use within the recognized boundaries of the Lowry Hill East neighborhood (bounded by Lyndale Ave, Hennepin Ave and Lake St), except where property has frontage on Hennepin Ave, Franklin Ave, Lagoon Ave, Lyndale Ave or Lake St, was passed February 28, 2003 by the City Council and approved March 6, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-025
By Niziolek, Schiff
Intro & 1st Reading: 11/22/2002
Ref to: Z&P
2nd Reading: 2/28/2003

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 577 relating to Interim Ordinances: Providing for a moratorium on the establishment or expansion of any multiple family residential use within the recognized boundaries of the Lowry Hill East neighborhood (bounded by Lyndale Avenue, Hennepin Avenue and Lake Street), except where property has frontage on Hennepin Avenue, Franklin Avenue, Lagoon Avenue, Lyndale Avenue or Lake Street.

The City Council of The City of Minneapolis does ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 577 to read as follows:

CHAPTER 577. PROVIDING FOR A MORATORIUM ON THE ESTABLISHMENT OR EXPANSION OF ANY MULTIPLE FAMILY RESIDENTIAL USE WITHIN THE RECOGNIZED BOUNDARIES OF THE LOWRY HILL EAST NEIGHBORHOOD (BOUNDED BY LYNDALE AVENUE, HENNEPIN AVENUE AND LAKE STREET), EXCEPT WHERE PROPERTY HAS FRONTAGE ON HENNEPIN AVENUE, FRANKLIN AVENUE, LAGOON AVENUE, LYNDALE AVENUE OR LAKE STREET.

577.10. Authority. In order to protect the planning process, the City is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the City while the City or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the City has enacted Chapter 529 of the zoning code which governs the establishment of interim ordinances. The City declares that this interim ordinance is established pursuant to Minnesota Statutes Section 462.355, Subd. 4, City Charter, and City ordinance.

577.20. Findings and purpose. Lowry Hill East is a neighborhood that includes residential development at many different scales. Single family and duplex zoning represents 59% of the land area of residential parcels not fronting on corridors. However, the number of single family and duplex housing units are only 16% of the total number of housing units in the neighborhood. This results in an overall population density that is quite high. The Census Bureau reports that the census tract representing most of the Lowry Hill East neighborhood is populated at a density of around 18,000 people per square mile. This ranks fourth out of all non-downtown census tracts in Minneapolis. Traffic in the neighborhood is accommodated by roads that are no wider and in some cases narrower than the average Minneapolis street.

The City Council is interested in protecting the livability of the Lowry Hill East neighborhood by preserving the existing mixed scale character of the neighborhood. There is concern that additional development of apartment and condominium complexes will worsen traffic congestion, and could adversely impact the desirability of homesteading existing single and two-family residences.

Furthermore, because the Lowry Hill East neighborhood has a diminishing stock of single family and duplex residential structures, and because this housing is of a distinctive, largely two-story typology, there is an interest in preventing further loss of these structures.

Appropriate zoning of property can be used to ensure that future redevelopment of neighborhood property will not adversely impact the livability of the neighborhood. The city finds that this interim ordinance should be adopted to protect the planning process and the health, safety and welfare of the citizens.

The population and traffic pressures of residential development on the perimeter of the neighborhood have a smaller impact on neighborhood livability than comparable development in the interior of the neighborhood. The zoning of these "edge parcels" may be reviewed as part of the zoning study. But

they have been excluded from the official boundaries of the interim study area and are thus not subject to the restrictions of this interim ordinance.

577.30. Zoning study. The area that is within the recognized boundaries of the Lowry Hill East neighborhood (bounded by Lyndale Avenue, Hennepin Avenue and Lake Street) and that excludes parcels with frontage on Hennepin Avenue, Franklin Avenue, Lagoon Avenue, Lyndale Avenue or Lake Street is hereby declared to be an interim study area with respect to the establishment and expansion of any multiple-family residential use. The Planning department is hereby directed to oversee a planning study to inform the future development of this area in specific and the Lowry Hill East neighborhood in general, and to propose such amendments to the City's official controls as it deems necessary. The planning study, and resulting recommendations may include property that is located in the Lowry Hill East neighborhood but that is not in the interim study area and is therefore not subject to the restrictions of this interim ordinance.

577.40. Restrictions. For a period of one year from November 22, 2002, the date of introduction of this ordinance, no zoning, demolition, building or license permit or approval for the establishment or expansion of any multiple-family residential use shall be allowed or granted for any property located in this study area by any City department. The City specifically reserves the right to extend this ordinance for such additional periods as are necessary to complete the planning study, not exceeding a total additional period of eighteen (18) months.

577.50. Hardship. In cases of hardship, any person having a legal or equitable interest in land and is aggrieved by the requirements of this ordinance may apply to the City Council for a waiver of all or a portion of the applicable restrictions as provided for in Chapter 529 of the zoning code. A waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P – Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Ronie Grant (BZZ-1024) to rezone the property at 3329 Cedar Ave S from R2B to the R5 District to permit a five-unit multiple family housing development, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Ordinance 2003-Or-026, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3329 Cedar Ave S to the R5 District was passed February 28, 2003 by the City Council and approved March 6, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-026
By Schiff
1st & 2nd Readings: 2/28/2003

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 7, Block 29, Minnehaha Addition to Minneapolis (3329 Cedar Ave S - Plate 26) to the R5 District.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, amending Table 535-1 to allow more flexibility to property owners to make improvements to their property, allowing wider stairs and larger entrance landings in required front and corner side yards, and allowing wider walkways for larger residential uses and institutional and public uses, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described ordinance.

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.

Passed February 28, 2003.

Approved March 6, 2003. R.T. Rybak, Mayor.

Attest: S. Ristuben, Asst City Clerk.

Ordinance 2003-Or-027 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, amending Table 535-1 to allow more flexibility to property owners to make improvements to their property, allowing wider stairs and larger entrance landings in required front and corner side yards, and allowing wider walkways for larger residential uses and institutional and public uses, was passed February 28, 2003 by the City Council and approved March 6, 2003 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-027
By Schiff
Intro & 1st Reading: 12/13/2002
Ref to: Z&P
2nd Reading: 2/28/2003

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following portions of Table 535-1 of the above-entitled ordinance be amended to read as follows:

Table 535-1 Permitted Obstructions in Required Yards

Type of Obstruction	Front or Corner Side Yard	Interior Side Yard	Rear Yard
Flagpoles, <u>subject to section 535.110</u>	P	P	P
Lighting fixtures and lampposts, <u>subject to section 535.110</u>	P		P
Stairs not exceeding four (4) feet in width, and entrance landings not exceeding sixteen (16) square feet in area and not more than the height of the level of the first floor or four (4) feet above the average level of the adjoining natural grade whichever is less, and handrails for such stairs not more than three (3) feet in height and not more than fifty (50) percent opaque, not including permanently roofed porches. <u>In a front or corner side yard stairs shall not exceed six (6) feet in width and entrance landings shall not exceed thirty-six (36) square feet in area.</u>	p	p	p
Vestibules projecting not more than five (5) feet into the required yard and having an area not exceeding fifty (50) square feet	p		p

Walkways, not
exceeding four (4) feet
in width. Walkways for
multiple-family
dwellings of five (5)
units or more shall not
exceed six (6) feet in
width. Walkways for
Institutional and Public
Uses shall not exceed
eight (8) feet in width.

p

p

p

Adopted. Yeas, 12; Nays none.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

MOTIONS

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of March, 2003, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 12; Nays none.
Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

Schiff introduced the subject matter of Ordinances amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, which was given its first reading and referred to the Zoning & Planning Committee (Amending Section 525.160, *Fees*; Section 525.560, *Conditional use permit and site plan review revocation*; and Section 525.570, *Fees for reinspection of property to determine abatement*).

Johnson introduced the subject matter of an Ordinance amending Title 2, Chapter 20, Article VI of the Minneapolis Code of Ordinances related to *Administration: Personnel, Severance Pay and Accrued Sick Leave Benefit*, which was given its first reading and referred to the Ways and Means/Budget Committee for a public hearing on March 17, 2003.

Schiff introduced the subject matter of an Ordinance amending the Minneapolis Code of Ordinances relating to the role of the City in Immigration and Naturalization Services (INS) matters which was given its first reading and referred to the Ways & Means/Budget Committee.

Zimmermann introduced the subject matter of an ordinance amending Title 5, Chapter 95 of the Minneapolis Code of Ordinances relating to *Building Code: Projections & Encroachments* which was given its first reading and referred to the Transportation & Public Works Committee.

Zimmermann introduced the subject matter of an ordinance amending Title 17, Chapter 429 of the Minneapolis Code of Ordinances relating to *Streets & Sidewalks: Right-of-Way Administration*, which was given its first reading and referred to the Transportation & Public Works Committee.

Zimmermann introduced the subject matter of an ordinance amending Title 17, Chapter 430 of the Minneapolis Code of Ordinances relating to *Streets & Sidewalks: Right-of-Way Permits*, which was given its first reading and referred to the Transportation & Public Works Committee.

Johnson introduced the subject matter of an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses & Business Regulations: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending Section 259.130, License prohibited without the required approvals, adding language to give a deadline to complete business applications and a procedure to deny the application; Also to allow an appeal process to extend the deadline with good cause).

UNFINISHED BUSINESS

City's Fiscal Year 2004 Federal Legislative Agenda: Adopt. (Postponed January 31, 2003, IGR)

IGR - Your Committee recommends approval of the City's Fiscal Year 2004 Federal Legislative Agenda as set forth below and specifically described in Petn No 268526:

Fiscal Year 2004 Appropriations Projects:

Community Development:

Empowerment Zone
Minnesota Planetarium & Space Discovery Center
Van White Memorial Boulevard

Criminal Justice:

Mental Health Crisis Intervention Team
Criminal Justice System Information Integration Project

Emergency Response:

Emergency Operations Center
Reimbursement for Emergency Response
Reverse 911
Automatic Vehicle Locator
Computer Aided Facility Management

Environment:

Airport Noise Mitigation

Public Health:

Combined Sewer Overflow (CSO)

Transportation:

Downtown Circulator/Nicollet Mall Shuttle
Twin Cities Transitways

Transportation Authorization Projects:

Twin Cities Transitways
Van White Memorial Boulevard

Programs:

Public Housing Drug Elimination Grant
Section 202 Rental Vouchers
HOPE VII
HOME Investment Partnership
HUD Rental Housing Assistance
Housing for People with AIDS (HOPWA)
Community Development Block Grant
Community Oriented Policing Services (COPS)
Brownfields Redevelopment

Aviation Noise Quiet Technology Research
Chicago-Twin Cities High Speed Rail
A National Housing Trust Fund
Homeland Security Block Grant

Benson moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

IGR - Your Committee recommends approval of the City's Fiscal Year 2004 Federal Legislative Agenda as set forth below and specifically described in Petn No 268594:

Fiscal Year 2004 Appropriations Projects:

Community Development:

Empowerment Zone
Minnesota Planetarium & Space Discovery Center
North Third Avenue Distributor (TAD) Garage

Criminal Justice:

Mental Health Crisis Intervention Team
Criminal Justice System Information Integration Project

Emergency Response:

Emergency Operations Center
Reimbursement for Emergency Response
Reverse 911
Automatic Vehicle Locator
Computer Aided Facility Management

Environment:

Airport Noise Mitigation

Public Health:

Combined Sewer Overflow (CSO)

Transportation:

Twin Cities Transitways

Transportation Authorization Projects:

Van White Memorial Boulevard
Olson Memorial Highway (TH55)
Twin Cities Transitways
Above the Falls Trail Loop

Programs:

Dividend Exemption Impact on Low Income Housing Tax Credits
HOPE VI
HOME Investment Partnership
Housing for People with AIDS (HOPWA)
Housing Vouchers
Public Housing Drug Elimination Grant
Homeless Assistance
Community Development Block Grant
Community Oriented Policing Services (COPS)
Brownfields Redevelopment
Aviation Noise Quiet Technology Research
Chicago-Twin Cities High Speed Rail
A National Housing Trust Fund
Homeland Security Block Grant
Universal Health Care

Adopted. Yeas, 12; Nays none.

Absent - Colvin Roy.
Passed February 28, 2003.
Approved March 6, 2003. R.T. Rybak, Mayor.
Attest: S. Ristuben, Asst City Clerk.

Ostrow moved that the meeting be adjourned to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the following lawsuit:

City of Minneapolis vs. Hollywood Theatre Company, et al.

Seconded.

Adopted by unanimous consent.

Room 315 City Hall
Minneapolis, Minnesota
February 28, 2003 - 11:30 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Council Members Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Zimmermann, Schiff, Zerby, Ostrow.

Absent - Colvin Roy.

Also present - Michael Norton, Deputy City Attorney; Fred Burstein, Outside Counsel with Burstein, Hertogs and McFarland; Peter Wagenius, Mayor's office; Merry Keefe, City Clerk; and Jan Hrnecir, City Clerk's office.

Michael Norton, Deputy City Attorney, stated that this meeting may, upon a proper motion, be closed for the purpose of discussing attorney-client privileged matters involving the following lawsuit:

City of Minneapolis vs. Hollywood Theatre Company, et al.

Lilligren moved that the meeting be closed for the purpose of consideration of the above lawsuit pursuant to the Deputy City Attorney's statement. Seconded.

Adopted upon a voice vote.

The meeting was closed at 11:30 a.m.

Fred Burstein, Outside Counsel, summarized the subject matter of *City of Minneapolis vs. Hollywood Theatre Company, et al.* from 11:30 a.m. to 11:50 a.m.

The closed portion of the meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Adjourned.

Merry Keefe,
City Clerk.

Created 03/03/2003;
Modified 03/04/2003;
Corrected 03/28/2003;
04/28/2003;